

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

_____)	
TCF FINANCIAL CORP. and TCF)	
NATIONAL BANK,)	
)	
Plaintiffs,)	Case No. 15-cv-11768
)	
vs.)	
)	
MICHAEL VOTAVA,)	<u>JOINT PETITION TO CONFIRM</u>
)	<u>ARBITRATION AWARD</u>
Defendant.)	
_____)	

PETITION TO CONFIRM ARBITRATION AWARD

Pursuant to 9 U.S.C. § 9, the Parties hereby petition the Court to confirm the Arbitration Award issued in arbitration between Plaintiffs TCF Financial Corp. and TCF National Bank (collectively “TCF”) and Defendant Michael Votava (“Votava”) in Votava’s claims under the federal Fair Labor Standards Act (“FLSA”) and state wage and hour laws, and to enter judgment thereon.

The grounds for this Petition are as follows:

PARTIES, JURISDICTION, AND VENUE

1. Votava was employed by TCF National Bank from approximately August 2011 to August 2012. During this period, he worked at a TCF National Bank branch located in Minnesota.
2. TCF Financial Corp. is a Delaware corporation with a principal place of business in Wayzata, Minnesota.

3. TCF National Bank is a commercial bank chartered with the Office of the Comptroller of the Currency and headquartered in Sioux Falls, South Dakota.

4. Jurisdiction is proper here under 9 U.S.C. § 9 and 28 U.S.C. §1331 and §1367, based on the Court's jurisdiction over Votava's primary claims under the federal FLSA and supplemental claims under state wage and hour laws.

5. Venue is proper here under 9 U.S.C. § 9 and 28 U.S.C. §1391, based on the location in which the arbitration award was issued.

FACTS

6. Votava brought claims pursuant to the FLSA and Minnesota state wage and hour laws in the American Arbitration Association ("AAA"), pursuant to the arbitration provision of TCF's Dispute Resolution Policy, to which he had agreed.

7. Effective September 11, 2015, the Parties resolved Votava's claims as memorialized in a Confidential Settlement Agreement and Release between the Parties (the "Settlement Agreement").

8. On October 21, 2015, the Parties jointly moved the AAA arbitrator, Arbitrator Michael Leech, to approve their settlement and Votava's release of all claims against TCF as fair and reasonable and to dismiss the arbitration with prejudice.

9. On November 24, 2015, Arbitrator Leech issued an award in Chicago, Illinois, approving the settlement and Votava's release of claims as fair and reasonable and dismissing the arbitration (the "Award").

10. Pursuant to 9 U.S.C. § 9 and the Dispute Resolution Policy entered into by parties, this Court may enter judgment confirming an arbitration award rendered by the

Arbitrator.

11. No grounds exist to vacate, modify, or correct the award, as set forth more fully in the Parties' Memorandum of Law in Support of their Motion to Confirm the Arbitration Award and the accompanying Affidavit of Jillian Kornblatt, to which are attached the documents required by 9 U.S.C. §13.

COUNT 1

12. Petitioners incorporate paragraphs 1-11 above.

13. WHEREFORE, the Parties request a judgment confirming and enforcing all terms and conditions of the Award enforcing the parties' Settlement Agreement rendered by Arbitrator Leech.

Dated: December 29, 2015

Respectfully submitted,

/s/ Nancy L. Hendrickson
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Dated: December 29, 2015

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